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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR03-298-TSZ
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 RYAN MCDUFF ARCHIBALD,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An evidentiary hearing on supervised release revocation in this case was scheduled before
15 me on July 5, 2006. The United States was represented by AUSA Patricia Lally and the defendant
16 by Walter Palmer. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about January 23, 2004 by the Honorable Thomas
18 S. Zilly on a charge of conspiracy to distribute marijuana in violation of 21 U.S.C. § 841(b)(1)(C),
19 and sentenced to twenty-four (24) months custody and three (3) years of supervised release.

20 On March 9, 2006, U.S. Probation Officer Brian K. Facklam petitioned the court for
21 issuance of an arrest warrant for alleged violations of the conditions of defendant's supervised
22 release, including use of cocaine, failing to appear for mandatory drug testing on four occasions,

01 and failure to submit monthly reports for the months of September, October, November, and
02 December 2005 and January 2006. (Dkt. 188) Defendant admitted these violations to Magistrate
03 Judge James P. Donohue on April 11, 2006 (Dkt. 192), and on May 4, 2006, Judge Zilly issued
04 an order modifying the terms of defendant's supervised release to include the requirement that
05 defendant reside in and satisfactorily participate in a community corrections center program for
06 up to 120 days, as ordered by Judge Zilly. (Dkt. 198).

07 In an application dated June 30, 2006 (Dkt 199), U.S. Probation Officer Brian K. Facklam
08 alleged the following violations of the conditions of probation:

09 1. Failing to reside in and satisfactorily participating in a community corrections
10 center program for up to 120 days, in violation of a special condition of supervision, as ordered
11 by Judge Zilly on May 4, 2006.

12 Defendant was advised in full as to those charges and as to his constitutional rights.

13 Defendant admitted alleged violation and waived any evidentiary hearing as to whether
14 they occurred. (Dkt. 200).

15 I therefore recommend the Court find defendant violated his supervised release as alleged
16 in violation 1, and that the Court conduct a hearing limited to the issue of disposition. The next
17 hearing will be set before Judge Zilly on July 27, 2006.

18 Pending a final determination by the Court, defendant has been remanded to custody.

19 DATED this 26th day of July, 2006.

20 
21 Mary Alice Theiler
22 United States Magistrate Judge

cc: District Judge: Honorable Thomas S. Zilly
AUSA: Patricia C. Lally
Defendant's attorney: Walter G. Palmer
Probation officer: Brian K. Facklam